

Appl. No. 10/628,671
Amendment and Response to Office Action
Reply to Office Action of Nov. 19, 2004

Amendments to the Drawings:

The attached replacement sheet of drawings (sheet 5/5) includes Fig. 5 (unchanged) and Fig. 6 (new). This sheet replaces the original sheet 5/5.

Attachment: Replacement Sheet

REMARKS

Drawings

The drawings are objected to for failure to show the subject matter of claim 13, namely an embodiment wherein “the separation of the first and second objective parts deviates from bisection.” Accordingly, replacement sheet 5/5 includes newly added Fig. 6 showing this subject matter. Fig. 6 is similar to Fig. 1, except the first objective part 10a and the second objective part were not separated along a bisecting plane as in Fig. 1. The specification has been amended at paragraphs [0015] and [0026] to refer to newly added Fig. 6. Because the subject matter appeared in original claim 13, no new matter has been added. Acceptance of the replacement sheet and removal of the objection to the drawings is respectfully requested.

Claim Objections

The objection to claims 5 and 6 for lack of antecedent basis has been overcome by amending these claims to refer to “an optical correction” rather than “the optical correction.” Also, an extraneous occurrence of “a” has been deleted from each of claims 5 and 6. Removal of the objection is respectfully requested.

Claim Rejections - 35 USC § 102

Claims 1 and 5 are rejected under 35 USC 102(b) as being anticipated by US 4361379 (Klein). Claims 1 and 5, as amended, are believed to be patentable over Klein for the reasons set forth below.

Klein claims priority of the known prior art DE 29 32 486 A1, which is discussed at paragraphs [0005] through [0010] of the present application. In Klein, the illumination axis (the horizontal dashed line, Figs. 4-6)-does not pass through the second objective part 26 or 33. Rather, the illumination axis in Klein intersects deflecting surface of prism 8, whereby the illumination beam is coupled into the main beam path of the microscope above the main objective. Thus, Klein suffers from the problems discussed at paragraphs [0008] through [0010] of the present application. Claim 1, by contrast, now explicitly requires an illumination axis passing through the second objective part, as shown for example in Figs. 1, 4 and 6 of the present application. Accordingly, claim 1, and claim 5 depending therefrom, are now believed to be patentably distinguished over Klein.

Therefore, applicant respectfully asks that the rejection based on Klein be withdrawn.

Claims 1-2, 5, 7, 10-11 and 13 are rejected under 35 USC 102(e) as being anticipated by US 6392797 (Strähle). In view of the amended language of claim 1, the rejection is overcome as explained below.

Element 15 of Strähle is a doublet "beam-shaping" element made up of lens elements 21 and 23, whereby the illuminating radiation can be formed so that the illuminated field on the object 5 is just as large as the object field imaged by the viewing optic 3 and the illuminated field is centered to the center of the object field. See Strähle at col. 1, lines 54-56; col. 3, lines 5-8 and 11-23. Beam shaping element 15 is shiftable to control the illuminating field diameter as desired, dependently or independently of the viewing optic. See Strähle at col. 4, lines 59-64.

In the present invention, the first objective part 10a and the second objective part 10b are complementary parts. As described at paragraph [0026] of the present application, "[t]he detached objective part 10b for illumination, although it is arranged e.g. perpendicular to optical axis 1 of the original objective 8, is used as before in order to image subject field 3." The first objective part 10a and second objective part 10b have matching lens element portions, as may be formed by slicing a composite lens group of an objective along a plane corresponding or parallel to its optical axis. By contrast, the beam shaping element 15 and lens element 27 of Strähle are not complementary parts of an objective. In fact, Strähle states at col. 2, lines 34-36 that "[t]he objective is formed from a negative lens element 25 and a displaceable element 27 having positive refractive power," and does not mention beam shaping element 15 as being part of the objective.

In order to emphasize this distinction in claim 1, the limitation "wherein the first objective part and the second objective part are complementary parts" has been added.

For the reasons above, favorable reconsideration of claims 1-2, 5, 7, 10-11 and 13, is kindly sought.

Claim Rejections - 35 USC § 103

Claims 8 and 9 are rejected under 35 USC 103(a) as being unpatentable over Strähle. The amendment to parent claim 1, as discussed above, distinguishes over Strähle and thus overcomes this rejection. Removal of the rejection is respectfully requested.

Claims 3-4, 6 and 12 are rejected under 35 USC 103(a) as being unpatentable over Strähle in view of US 4871245 (Ishikawa). The amendment to parent claim 1, as discussed above, distinguishes over Strähle and thus overcomes this rejection.

Moreover, regarding claim 12, applicant respectfully disagrees with the statement at page 6 of the Office Action that Strähle discloses "a deflection element arranged such that an exit surface of the deflection element is coplanar with a surface of the first front lens element group part." The exit surface of deflection element 33 is at an angle relative to the horizontal top surface of element 25 (element 33 is configured as a planar mirror, not a prism - see Strähle at col. 2, lines 56-57).

Therefore, allowance of claims 3-4, 6 and 12 is respectfully requested.

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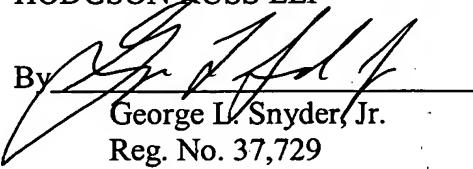
Conclusion

The present application is thought to be in a condition for allowance. If the Examiner has any questions, or the attorneys for applicant can assist in any way, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,

HODGSON RUSS LLP

By



George L. Snyder, Jr.

Reg. No. 37,729

GLS/

Enclosures: One Replacement Sheet of Drawing
Petition for Three-Month Extension of Time (in duplicate)
Fee Transmittal
Check in the amount of \$1020.00

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 856-4000
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